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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,279	12/05/2000	Takeshi Yamawaki	35C14978	6187

5514 7590 07/10/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LEE, SUSAN SHUK YIN

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,279

Applicant(s)

YAMAWAKI ET AL.

Examiner

Susan S. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 18, 19, 21, 22, 24, 25, 29-32, 34, 35, 37, 38, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 20, 23, 26-28, 33, 36, 39-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 19, 21, 22, 24, 25, 29/18, 29/19, 29/21, 29/22, 29/24, 29/25, 30/18, 30/19, 30/21, 30/22, 30/24, 30/25, 31, 32, 34, 35, 37, 38, 42/31, 42/32, 42/34, 42/35, 42/37, 42/38, 43/31, 43/32, 43/34, 43/35, 43/37, and 43/38 are rejected under 35 U.S.C. 102(b) as being anticipated by Herloski et al. (4,355,859).

Herloski et al. discloses a raster scanner used to write images on a photoconductive surface 12 of a photoconductor in a xerographic apparatus for subsequent development and transfer to a copy substrate material, and the transferred image thereafter fixed to form a permanent copy. A laser assembly from the raster scanner can be pivoted so as to align with the axis of the laser beam 25 with the optical axis of the scanner. The laser assembly shows that it has lens 67 that reads on the instant invention's optical element. Mirror 24, mirror 30, mirror 33, and lens 45 read on the instant invention's incident optical system. Scanner 10 reads on the instant invention's optical deflector. Lens 45, mirror 33, mirror 30, mirror 47, and slot-like aperture 49 read on the instant invention's imaging optical system. Note abstract, column 2, line 58- column 4, line 36. The shifting direction is shown with arrows in Fig. 3 which reads on the predetermined direction with respect to the optical axis of the

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incident optical system. The light beam emerging from the incident optical system is obliquely incident on the deflecting surface of the scanner or optical deflector 10 in a main scanning cross-section (see Fig. 3). A controller for converting code data input from an external device into an image signal, and inputting the signal to the optical scanning apparatus is an inherent feature in Herloski et al. because it is mentioned that in a case where a scanner serves to produce or write images, a modulator is disposed astride the beam path to vary intensity of the beam in accordance with video image signals input thereto. Note column 1, lines 9-20.

Allowable Subject Matter

Claims 20, 23, 26-28, 29/20, 29/23, 29/26, 29/27, 29/28, 30/20, 30/23, 30/26, 30/27, 30/28, 33, 36, 39-41, 42/33, 42/36, 42/39, 42/40, 42/41, 43/33, 43/36, 43/39, 43/40, and 43/41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-16 are allowed over the prior art of record.

Applicant's arguments with respect to claims 18, 19, 21, 22, 24, 25, 29/18, 29/19, 29/21, 29/22, 29/24, 29/25, 30/18, 30/19, 30/21, 30/22, 30/24, 30/25, 31, 32, 34, 35, 37, 38, 42/31, 42/32, 42/34, 42/35, 42/37, 42/38, 43/31, 43/32, 43/34, 43/35, 43/37, and 43/38 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 703-308-2138. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 703-308-1373. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3432 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Susan S. Lee
Primary Examiner
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July 8, 2003